

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2488**

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### Introduced by Assembly Member Levine

(Coauthors: Assembly Members Achadjian, Bigelow, Campos, Chesbro, Cooley, Dababneh, Gray, Hall, Roger Hernández, Jones, Jones-Sawyer, Medina, Nestande, Perea, V. Manuel Pérez, Salas, Waldron, and Wilk)

February 21, 2014

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An act to amend Section 23399.4 of the Business and Professions Code, relating to alcoholic beverages, *and declaring the urgency thereof, to take effect immediately.*

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2488, as amended, Levine. Alcoholic beverages: certified farmers' market sales permit.

The Alcoholic Beverage Control Act permits the Department of Alcoholic Beverage Control to issue special temporary licenses and permits to various entities for limited purposes. The act permits the department to issue a certified farmers' market sales permit that authorizes a licensee under a winegrower's license, a member of the licensee's family, or an employee of the licensee to sell wine produced and bottled by the winegrower at certified farmers' market locations, under specified conditions. The act provides that a violation of its provisions is a misdemeanor, unless otherwise specified.

This bill would specify that, pursuant to the certified farmers' market sales permit, the licensee may only sell wine that is produced entirely

from grapes or other agricultural products grown by the winegrower and that is bottled by the winegrower. This bill would require the certified farmers' market sales permit to authorize the ~~licensee also~~ *licensee, a member of the licensee's family, or an employee of the licensee* to conduct an instructional tasting event on the subject of wine at a certified farmers' market, subject to certain conditions.

By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23399.4 of the Business and Professions  
2 Code is amended to read:  
3 23399.4. (a) A licensed winegrower may apply to the  
4 department for a certified farmers' market sales permit. A certified  
5 farmers' market sales permit shall authorize the licensee, a member  
6 of the licensee's family, or an employee of the licensee to sell wine  
7 at a certified farmers' market at any place in the state approved by  
8 the department. The licensee may only sell wine that is produced  
9 entirely from grapes or other agricultural products grown by the  
10 winegrower and that is bottled by the winegrower. In addition, the  
11 permit will allow an instructional tasting event by the licensee on  
12 the subject of wine at a certified farmers' market. The permit may  
13 be issued for up to 12 months but shall not be valid for more than  
14 one day a week at any single specified certified farmers' market  
15 location. A winegrower may hold more than one certified farmers'  
16 market sales permit. The department shall notify the city, county,  
17 or city and county and applicable law enforcement agency where  
18 the certified farmers' market is to be held of the issuance of the  
19 permit. A "certified farmers' market" means a location operated  
20 in accordance with Chapter 10.5 (commencing with Section 47000)

1 of Division 17 of the Food and Agricultural Code, and the  
2 regulations adopted pursuant thereto.

3 (b) (1) An instructional tasting event is subject to the  
4 authorization and managerial control of the operator of the certified  
5 farmers' market. The licensee, a member of the licensee's family,  
6 or an employee of the licensee may conduct an instructional tasting  
7 event for consumers on the subject of wine at a certified farmers'  
8 market.

9 (2) (A) At all times during an instructional tasting event, the  
10 instructional tasting event area shall be separated from the  
11 remainder of the market by a wall, rope, cable, cord, chain, fence,  
12 or other permanent or temporary barrier. Only one licensee may  
13 conduct an instructional tasting event during the operational hours  
14 of any one certified farmers' market.

15 (B) The licensee shall not permit any consumer to leave the  
16 instructional tasting area with an open container of wine.

17 (c) The licensee shall not pour more than three ounces of wine  
18 per person per day.

19 (d) The licensed winegrower eligible for the certified farmers'  
20 market sales permit shall not sell more than 5,000 gallons of wine  
21 annually pursuant to all certified farmers' market sales permits  
22 held by any single winegrower. The licensed winegrower shall  
23 report total certified farmers' market wine sales to the department  
24 on an annual basis. The report may be included within the annual  
25 report of production submitted to the department, or pursuant to  
26 any regulation as may be prescribed by the department.

27 (e) Except as otherwise provided in this division or by the rules  
28 of the department, no premium, gift, free goods, or other thing of  
29 value shall be given away by ~~an authorized licensee or its~~  
30 ~~designated representative~~ *the licensee, a member of the licensee's*  
31 *family, or an employee of the licensee* in connection with an  
32 instructional tasting event conducted pursuant to this section that  
33 includes tastings of wine.

34 (f) The fee for any permit issued pursuant to this section shall  
35 be fifty dollars (\$50), subject to adjustment pursuant to subdivisions  
36 (b) and (c) of Section 23320.

37 (g) All money collected as fees pursuant to this section shall be  
38 deposited in the Alcohol Beverage Control Fund as provided in  
39 Section 25761.

1 SEC. 2. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

10 SEC. 3. *This act is an urgency statute necessary for the*  
11 *immediate preservation of the public peace, health, or safety within*  
12 *the meaning of Article IV of the Constitution and shall go into*  
13 *immediate effect. The facts constituting the necessity are:*

14 *In order to help certified farmers' market sales during the*  
15 *current season, it is necessary that this act take effect immediately.*